

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

ELIAS MAKERE,

Plaintiff,

v.

CASE NO. 3:21-cv-242-MMH-JBT

ALLSTATE INSURANCE COMPANY,

Defendant.

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**REPORT AND RECOMMENDATION**<sup>1</sup>

**THIS CAUSE** is before the Court on *pro se* Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form) ("Motion") (Doc. 2). For the reasons stated herein, the undersigned respectfully **RECOMMENDS** that the Motion be **DENIED as moot** and the case be **DISMISSED** without prejudice.

The Court previously deferred ruling on the Motion and directed Plaintiff to request leave to amend his operative Complaint in *Makere v. Allstate*, Case No. 3:20-cv-905-MMH-JRK (Doc. 45) ("*Makere I*") to add the Title VII claims brought in

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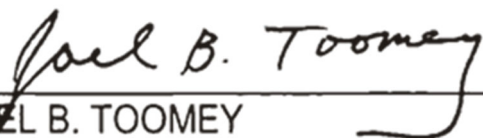
<sup>1</sup> "Within 14 days after being served with a copy of [this Report and Recommendation], a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2). "A party may respond to another party's objections within 14 days after being served with a copy." *Id.* A party's failure to serve and file specific objections to the proposed findings and recommendations alters the scope of review by the District Judge and the United States Court of Appeals for the Eleventh Circuit, including waiver of the right to challenge anything to which no specific objection was made. See Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1)(B); 11th Cir. R. 3-1.

this case in order to avoid claim splitting. (“Prior Order”) (Doc. 6 at 1, 4.) On October 20, 2021, Plaintiff filed his Second Status Update advising the Court of his compliance with the Prior Order and attaching a copy of Magistrate Judge James R. Klindt’s Order in *Makere I* granting Plaintiff leave to amend his Second Amended Complaint to add the claims alleged herein. (See Docs. 9, 9-1.) Thus, the undersigned recommends that the Motion is now moot, and that this case be dismissed without prejudice.

In light of the foregoing, it is respectfully **RECOMMENDED** that:

1. The Motion (**Doc. 2**) be **DENIED as moot**.
2. The case be **DISMISSED** without prejudice.
3. The Clerk of Court be directed to terminate any pending motions.

**DONE AND ENTERED** in Jacksonville, Florida, on October 27, 2021.

  
JOEL B. TOOMEY  
United States Magistrate Judge

Copies to:

The Honorable Marcia Morales Howard  
United States District Judge

*Pro se* Plaintiff